

CUSTOMER NO.  
60533REMARKS

In reply to the Final Office Action mailed on March 6, 2006, in which claims 19-38 and were pending, reconsideration of the rejections in the present application is respectfully requested based on the following remarks.

**Claim 25 is Amended**

The Office has rejected Claim 25, at paragraphs 4-5 of the Office Action, under 35 U.S.C. 112, second paragraph, as indefinite. Applicants have amended Claim 25 to further clarify its subject matter.

**Claims 19-20 and 22-38 are Allowable**

The Office has rejected Claims 19-20 and 22-38, at paragraphs 6 and 7 of the Office Action under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 5,956,493 to Hewitt, et al. ("Hewitt"). Applicants respectfully traverse the rejection.

None of the cited references, including Hewitt, disclose the specific combination of Claim 19. In contrast to Claim 19, Hewitt discloses a computer system for controlling the ownership of a bus. Hewitt specifically states that its "bus arbiter is configured to dynamically vary a level of arbitration priority provided to a peripheral device *based upon the length of time the peripheral device has been waiting to gain ownership of [the] PCI bus.*" (Hewitt, col. 4, ll. 11-15, emphasis added). Hewitt does not disclose a method that includes assigning priority values based on the processing function of each functional device, as recited in Claim 19. The Office has offered a bare assertion that "in any priority based arbitration system the assignment of priorities ... is performed with regards to the severity of the function performed by a device." (Office Action, p. 2). Nonetheless, the Office has provided no evidence to support this assertion, and, significantly, the cited references do not disclose or suggest such a manner of assigning priority values to functional devices. Thus, Claim 19 is allowable.

Claims 20 and 22-28 depend from Claim 19. Thus, Hewitt fails to disclose or suggest at least one element of each of the dependent claims 20 and 22-28. As a result, Claims 20 and 22-28 are allowable.

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Further, none of the cited references, including Hewitt, disclose the specific combination of Claim 29. In contrast to Claim 29, Hewitt discloses a computer system for controlling the ownership of a bus. Hewitt specifically states that its "bus arbiter is configured to dynamically vary a level of arbitration priority provided to a peripheral device *based upon the length of time the peripheral device has been waiting to gain ownership of [the] PCI bus.*" (Hewitt, col. 4, ll. 11-15, emphasis added). Hewitt does not disclose a system that includes a control register to store priority values that are based on processing functions of various functional devices, as recited in Claim 29. The Office has offered a bare assertion that "in any priority based arbitration system the assignment of priorities ... is performed with regards to the severity of the function performed by a device." (Office Action, p. 2). Nonetheless, the Office has provided no evidence to support this assertion, and, significantly, the cited references do not disclose or suggest such a manner of assigning priority values to functional devices. Thus, Claim 29 is allowable.

Claims 30-38 depend from Claim 29. Thus, Hewitt fails to disclose or suggest at least one element of each of the dependent claims 30-38. As a result, Claims 30-38 are allowable.

#### **Claim 21 is Allowable**

The Office has rejected Claim 21, at paragraphs 8 and 9 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,956,493 to Hewitt, et al. ("Hewitt") in view of "what was well known in the art at the time of applicant's invention." (Office Action, p. 11). Applicants respectfully traverse the rejection.


Claim 21 depends from Claim 19. As stated previously, Hewitt fails to disclose or suggest each and every element of Claim 19. Additionally, the state of the art at the time of Applicants' invention does not cure the deficiencies in Hewitt with respect to Claim 19. Hence, the combination of Hewitt and the state of the art asserted by the Office fails to disclose or suggest at least one element of Claim 21. As a result, Claim 21 is allowable.

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60533CONCLUSION

In view of the foregoing, Applicants respectfully submit that the present application is in condition for allowance and respectfully request that the Examiner reconsider the application and issue a Notice of Allowance for all claims now pending. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney or agent.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

5-31-2006  
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